

ITEM: 16

SUBJECT: Ma-Ru Holding Company, Inc. and Bonzi Sanitation Landfill, Stanislaus County

BOARD ACTION: *Consideration of a Resolution Requiring Payment of \$50,000 as Described by the Stipulated Judgment*

BACKGROUND: On 21 December 2005, a Stipulated Judgment for the Ma-Ru Holding Company, Inc. and Bonzi Sanitation Landfill (hereafter Discharger) was filed with the Superior Court of the State of California for the County of Stanislaus. The Stanislaus County District Attorney's Office and the Regional Board Executive Officer jointly negotiated this \$1.95 million settlement for the Discharger's failure to comply with the waste discharge requirements and enforcement orders issued by the Regional Board.

Of the \$1.95 million, the Discharger must pay \$450,000 over a two-year period, while \$1.4 million has been stayed contingent upon the Discharger's satisfactory completion of 21 studies and improvements to the landfill. These tasks must be completed by the timelines listed in the Judgment. An additional \$100,000 is payable if fraudulent reports are submitted.

This is the second resolution that staff has brought to the Regional Board because the Discharger has violated its Stipulated Judgment. On 27 January 2006, the Regional Board adopted a Resolution requiring the Discharger pay \$50,000 for failure to inspect the pond liner and remove vegetation by the 1 January 2006 deadline in the Stipulated Judgment. The Discharger has not paid the penalty and has appealed the matter to the State Water Board.

ISSUES: This Resolution is in regard to the non-submittal of the five-year 40 CFR Part 258 Appendix II sampling ("five-year analysis") report. Item No. 4 of the Stipulated Judgment requires that the report be submitted by 1 January 2006, but to date, it has not been received.

The proposed Resolution simply states that the Discharger has violated the Stipulated Judgment, and per the penalties described therein, must immediately submit payment of \$50,000 to the State's Cleanup and Abatement Account.

RECOMMENDATION: Adopt the proposed resolution.

Mgmt. Review \_\_\_\_\_  
Legal Review \_\_\_\_\_

4/5 May 2006  
Central Valley Regional Water Quality Control Board meeting  
11020 Sun Center Dr. #200  
Rancho Cordova, CA 95670